

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

Richland/Wilkin Joint Powers Authority, a
Minnesota-North Dakota Joint Powers
Authority,

Civil File No. 13-cv-2262 JRT/LIB

Plaintiff,

and

Minnesota Department of Natural
Resources,

Plaintiff-Intervenor

**DEFENDANT FARGO-MOORHEAD
FLOOD DIVERSION BOARD OF
AUTHORITY'S MOTION TO
MODIFY OR DISSOLVE
PRELIMINARY INJUNCTION**

vs.

United States Army Corps of Engineers;
Dr. Mark T. Esper, Secretary of the US
Army Corps of Engineers (in his official
capacity); R.D. James, Assistant Secretary
of the Army for Civil Works (in his
official capacity); and Col. Samuel
Calkins, District Commander, St. Paul
District, US Army Corps of Engineers (in
his official capacity),

Defendants,

Fargo-Moorhead Flood Diversion Board
of Authority,

Defendant and
Defendant-
Intervenor,

and

City of Oxbow,

Defendant-Intervenor

Pursuant to Rules 62 and 65 of the Federal Rules of Civil Procedure, Defendant-Intervenor Fargo-Moorhead Flood Diversion Board of Authority (“Diversion Authority”) hereby moves the Court to modify or dissolve the preliminary injunction entered on September 7, 2017 (ECF #530). Specifically, the Diversion Authority is moving the Court to allow for construction of certain, limited portions of the “Plan B” Fargo-Moorhead Flood Control Project, which are described in the accompanying Declaration of Martin Nicholson, P.E. This Motion is based upon the Supporting Memorandum of Law, the Meet-and-Confer Statement, the Declaration of Martin Nicholson, P.E., all pleadings and papers filed in this action, and upon such matters as the Court may entertain, including oral argument, at the time of the hearing on this Motion.

DORSEY & WHITNEY LLP

Dated: March 11, 2019

By s/Robert E. Cattanach

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